

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

GARNELL BAILEY,)	
)	
Plaintiff,)	
)	Civil Action No. 02-4683
v.)	
)	Judge James Knoll Gardner
LUCENT TECHNOLOGIES INC. and)	
AGERE SYSTEMS INC.,)	
)	
Defendants.)	

**MOTION TO SUPPLEMENT DEFENDANTS' BRIEF IN OPPOSITION TO
MOTION TO AMEND COMPLAINT**

Defendants Lucent Technologies Inc. and Agere Systems Inc. hereby move to supplement their Brief in Opposition to Plaintiff's Motion to Amend Complaint and in support thereof aver as follows:

1. Defendants filed a Brief in Opposition to Plaintiff's Motion to Amend Complaint on December 20, 2002.

2. On December 30, 2002, 10 days after Defendants filed their Brief in Opposition to Plaintiff's Motion to Amend Complaint, Defendants received documents from the Equal Employment Opportunity Commission concerning the Commission's investigation of Plaintiff's second EEOC Charge pursuant to a Freedom of Information Act ("FOIA") request.

3. The Affidavit of John Stupp, the individual who received the FOIA documents regarding Plaintiff's first and second charges, is attached hereto at Exhibit A along with copies of the FOIA documents from the EEOC.

4. On March 10, 2003, Defendants' counsel, Barbara Rittinger Rigo, contacted Plaintiff's counsel, Glennis L. Clark, to request that he stipulate to the admission of the FOIA documents for use at the oral argument on Plaintiff's Motion to Amend Complaint. Mr. Clark indicated that he did not have copies of the FOIA documents and would not agree until given the

chance to review the documents. Accordingly, copies were Federal Expressed to Plaintiff's counsel on March 10, 2003. (See Exhibit B).

5. Defendants cannot see any reason why the Plaintiff would oppose the filing of the Affidavit and attached FOIA documents if, as Plaintiff contends, the scope of the EEOC investigation included claims for age and disability discrimination.

6. The FOIA documents will clearly aid the Court in making a determination on Plaintiff's Motion to Amend Complaint.

WHEREFORE, Defendants respectfully request that this Court accept the attached Affidavit and FOIA documents as a supplement to their December 20, 2002 Brief in Opposition to Plaintiff's Motion to Amend Complaint.

Respectfully submitted,

Robert W. Cameron, Esquire
Attorney I.D. No. 69059
Barbara Rittinger Rigo, Esquire
Attorney I.D. No. 76630
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Three Parkway, Suite 1400
1601 Cherry Street
Philadelphia, PA 19102
(267) 402-3000

Date: March 12, 2003

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Motion to Supplement Defendants' Brief in Opposition to Motion to Amend Complaint was caused to be served via _____ upon the following:

Glennis L. Clark, Esquire
532 Walnut Street
Allentown, PA 18101

Date: March 12, 2003

Barbara Rittinger Rigo